

Ordinance No. 2019-08

An ordinance amending city code section 300.35, regarding traffic requirements in the Opus Overlay District

The City Of Minnetonka Ordains:

Section 1. Section 300.35, Subdivision 3(b) of the Minnetonka City Code, specific to trip generation, is amended as follows:

b) Trip generation:

- 1) Development limitations based on p.m. peak hour trip generation are established in subdivision 4 for each parcel of non-residential land in the Opus area district that contributes traffic to the Bren Road interchange. These development limitations have been developed by determining the maximum number of p.m. peak hour trips that can be accommodated at the interchange. That number of trips was then allocated proportionately on the basis of the maximum development that would be allowed under current zoning standards and the rate of trip distribution to the interchange for each traffic analysis district. The properties in traffic analysis district no. 4 were determined to have no trips to the interchange, so no trip generation limits are imposed for that district.
- 2) The trip generation numbers specified in subdivision 4 are the maximum numbers of p.m. peak hour trips that may be generated by non-residential properties to the Bren Road and TH169 interchange in traffic analysis districts no. 1, 2, and 3. To determine the maximum square footage of building space that is allowed for each parcel, the trip limitation number is divided by the p.m. peak hour rate for that use. The applicable rates are those specified in the Opus II area trip generation analysis, dated August 1, 2009, on file in the community development department. Substantial compliance with the trip generation number and resultant maximum square footage of buildable space is required. In determining trip generation and allowable building square footage, gross floor area of a building must be used, except that gross leasable area may be used when there is a substantial amount of common area within a building and when institute of traffic engineers data is based on gross leasable area.

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

- 3) Uses existing on December 7, 2009 that generate greater p.m. peak hour trips or that have a greater building area than would be allowed by the trip generation number may continue to exist as non-conforming developments. These uses are subject to the restrictions contained in section 300.29; however, each of these uses is allowed to expand by no more than 10 percent of existing building area if measures are taken to keep the traffic generation at the rate existing on December 7, 2009. An expansion beyond that amount or a change of use is permitted only if there is substantial compliance with the trip generation limit.
- 4) Unused trips allocated by this ordinance to a parcel under subdivision 4 are not a property right that may be transferred at will to another property. Allocated trips may be transferred to another property in the overlay district only with the approval of the city council, which may deny the transfer if it is likely to have a negative impact on the public health, safety, or welfare.

Section 2. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 18, 2019.



Brad Wiersum, Mayor

Attest:



Becky Koosman, Acting City Clerk

Action on this ordinance:

Date of introduction: Feb. 11, 2019
Date of adoption: March 18, 2019
Motion for adoption: Schack
Seconded by: Calvert
Voted in favor of: Calvert, Schack, Carter, Bergstedt, Wiersum
Voted against:
Abstained:
Absent: Ellingson, Happe
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on March 18, 2019.

Becky Koosman, Acting City Clerk

The ~~stricken~~ language is deleted; the single-underlined language is inserted.

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

Notice of Adoption of Ordinance No. 2019-08

To whom it may concern:

Notice is hereby given that on March 18, 2019 the Minnetonka City Council adopted Ordinance No. 2019-08, amending city code section 300.35, regarding traffic requirements in the Opus Overlay District. This ordinance amends the city code sections specific to trip generation.

A full copy of the Ordinance is available on the city's web site (www.eminnetonka.com) and may be viewed during regular office hours at the city clerk's office in city hall. A copy may also be obtained by standard or electronic mail.



Becky Koosman, Acting City Clerk